IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SMT JUSTICE T.MEENA KUMARI

and
HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1377 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 18/08/2004 in WPMP No.2546 of 2003 & WVMP No.2244 of 2004 WP NO : 1957 OF 2003 on the file of the High Court.)

Between:

Smt. G. Laxmi Buchaiah, W/o. Sri G. Buchaiah,
R/o. 1-2-587/23, Lower Tank Road, Hyderabad.

..... APPELLANT

AND

1. The State of Andhra Pradesh, rep by the Secretary, Municipal Administration and Urban Development Authority, Secretariat, Hyderabad.

2. Municipal Corporation of Hyderabad, rep by its Commissioner,

Tank Bund Road, Hyderabad.

3 Hyderabad Urban Development Authority, rep by its Vice M

Chariman, Patigadda, Secunderabad.

4 Special Deputy Collector, Land Acquisition, Municipal Corporation Hyderabad, Tank Bund, Hyderabad.

5 The Collecter, Hyderabad District, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant: MR.VILAS V.AFZULPURKAR

Counsel for the Respondents : GP FOR LAND ACQUISITION

The Court made the following :

JUDGMENT(per Hon'ble Smt Justice T Meena Kumari):

Aggrieved by the order dated 18-8-2004passed by the learned single Judge of this Court in WPMP No. 2546 of 2003 & WVMP No. 2244 of 2004 in WP No. 1957 of 2003, vacating the interim order granted in the writ petition, the present appeal is filed.

The appellant herein is the petitioner in the writ petition, which was filed questioning the notification issued by the District Collector, under Section 4(1) of the Land Acquisition Act, 1894 proposing to acquire a portion of her property admeasuring 133.00 square meters for widening of road at lower tank bund. At first instance, while admitting the writ petition, on 31-01-2003 interim direction of status quo was granted in WPMP No. 2546 of 2003. Subsequently, the respondents 1,4 & 5 filed vacate stay petition in WVMP No. 2244 of 2004 for vacating the interim order. It is the stand taken by the respondents before the learned single Judge that the petitioner filed a claim petition for a sum of Rs.20,000/- per square yard and an award No. A/462/2000, dated 18-9-2002 was already passed. The learned single Judge, after hearing both the counsel and while observing that in view of the fact that the award was already passed and the writ petitioner has no prima facie case has chosen to vacate the interim orders, however, left it open to the writ petitioner to approach the Municipal Corporation of Hyderabad with her proposal for reduction of the width of the road. Hence, the appeal.

Heard. From a perusal of the order under challenge it has to be observed that the factum of appellant herein being the claimant in Award passed on 18-9-2002, and that she has not filed any reply affidavit denying the counter averments made in the

vacate stay petition, the learned single Judge having satisfied that the petitioner did not prove prima facie case, has chosen to vacate the interim order dt. 31-01-2003. Thus, the order of the learned single Judge, in our considered view does not call for interference by this Court and also we do not find any other circumstances to interfere with the order under challenge.

Accordingly, the writ appeal is dismissed. No costs.

T. MEENA KUMARI, J

Dt.21-06-2005

P. LAKSHMANA REDDY, J

(Note:

Registry is directed to delete the writ petitions from the batch and post before learned single Judge after obtaining necessary orders from Hon'ble the Chief Justice.)

B/o.

Kvrk

To

1. The Secretary, Govt. of Andhra Pradesh, Municipal Administration and Urban Development Authority, Secretariat, Hyderabad.

2. The Commissioner, Municipal Corporation of Hyderabad,

Tank Bund Road, Hyderabad.

3 The Vice Chairman, Hyderabad Urban Development Authority, Patigadda, Secunderabad.

4 The Special Deputy Collector, Land Acquisition,

Municipal Corporation of Hyderabad, Tank Bund, Hyderabad.

5 The Collecter, Hyderabad District, Hyderabad.

6. The Section Officer, Writ Posting Section, High Court of A.P.,

Hyderabad.

7. 2 CCs to GP for Land Acquisition, High Court Buildings, Hyderabad (OUT)

8 Two CD copies.

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HON'BLE SMT JUSTICE T.MEENA KUMARI

and

HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

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WRIT APPEAL NO : 1377 of 2004

(Judgment of the Division Bench delivered by

Hon'ble Smt Justice T Meena Kumari)

21st June 2005